

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:05CR3**

**TOMMIE DAVIDSON**

**DEFENDANT**

**ORDER**

This cause is before the Court on the defendant's Motion for Continuance. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for November 14, 2005. Counsel for the defendant represents in the motion that in the interim since his indictment, he was apprehended and charged with another offense. The defendant's attorney is engaging in negotiations toward a consolidated plea agreement on both the indicted drug count and the unindicted charge. Defendant seeks additional time to review the proposed plea agreement.

In addition, defense counsel represents in the motion that he has a conflict due to prior existing trial settings. Rule 16.3 of the Uniform Local Rules provides: "When the Court has set a case for trial . . . which conflicts with a court appearance of counsel in other courts, the first case having a firm setting shall control . . . ."

The government does not oppose the requested continuance.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from November 14, 2005 until the new trial date to be set in this matter.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance is GRANTED;
2. That the trial of this matter is continued until Tuesday, December 13, 2005 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from November 14, 2005 until December 13, 2005, 2005 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 22, 2005;
5. That the deadline for submitting a plea agreement is November 29, 2005.

SO ORDERED, this the 8<sup>th</sup> day of November, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE